

1 felony drug offense,” and Defendant only provided evidence of a sentence reduction for one of
2 his three felony drug convictions, meaning there are two remaining felony drug convictions.
3 (Order 3 n. 2, ECF No. 148).

4 Defendant argues in his Motion for Appointment of Counsel that a case currently
5 pending before the Ninth Circuit, *United States v. Vasquez*, No. 10-50072, may decide the full
6 impact of Proposition 47. (Mot. for App’t Counsel 2, ECF No. 149). Defendant claims that
7 “the interests of justice require [Defendant] be appointed counsel in order to fully present and
8 protect his Proposition 47 claims.” (*Id.*)

9 However, because Defendant’s two remaining felony drug convictions have not been
10 altered, and Defendant would first need a certificate of appealability prior to review by this
11 Court, Defendant’s sentence will not be affected regardless of the outcome in *United States v.*
12 *Vasquez*. Accordingly,

13 **IT IS HEREBY ORDERED** that Defendant’s Ex Parte Motion for Appointment of
14 Counsel (ECF No. 149) is **DENIED**.

15 **DATED** this 17 day of December, 2015.

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20 Gloria M. Navarro, Chief Judge
21 United States District Court
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